

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD POTTS,

Plaintiff,

v.

RONNIE HOLT, *et al.*,

Defendants.

NO. 12-cv-1441


(JUDGE CAPUTO)

**MEMORANDUM ORDER**

Presently before me is the Report and Recommendation of Magistrate Judge Carlson (Doc. 77), which recommends that Defendants' renewed Motion to Dismiss, or for Summary Judgment (Doc. 69), be granted. I previously adopted this Report and Recommendation, but subsequently granted Plaintiff Richard Potts' ("Potts") Motion for Relief From Judgment (Doc. 82) for excusable neglect under Fed. R. Civ. P. 60(b)(1). (Doc. 85.) In that Order, entered January 29, 2018, I allowed Potts 30 days from the entry of the Order to file any objections, and directed the Clerk of Court to serve him at his current address of record with the Report and Recommendation and the Order granting his Motion for Relief from Judgment. *Id.* To date, over 100 days later, Potts has not filed objections or entered any other response.

Accordingly, **NOW**, this 18<sup>th</sup> day of May, 2018, upon review of the Report and Recommendation of Magistrate Judge Carlson for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 77) is **ADOPTED** in its entirety.
- (2) Defendants' Motion to Dismiss (Doc. 69) is **GRANTED**.
- (3) The Clerk of Court is directed to mark the case as **CLOSED**.

  
A. Richard Caputo  
United States District Judge